

SERVICE DATE – LATE RELEASE APRIL 25, 2014

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 55 (Sub-No. 718X)

CSX TRANSPORTATION, INC.—
ABANDONMENT EXEMPTION—IN ALACHUA COUNTY, FLA.

Docket No. AB 507 (Sub-No. 1X)

FLORIDA NORTHERN RAILROAD COMPANY, INC.—DISCONTINUANCE OF SERVICE
EXEMPTION—IN ALACHUA COUNTY, FLA.

Decided: April 24, 2014

CSX Transportation, Inc. (CSXT), and Florida Northern Railroad Company, Inc. (FNOR), jointly filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments and Discontinuances of Service for: (1) CSXT to abandon approximately 11.62 miles of rail line on CSXT's Southern Region, Jacksonville Division, West Coast Subdivision, between milepost AR 716.88, at High Springs, and milepost AR 726.69, at Newberry, and milepost ARB 717.11, at High Springs, and milepost ARB 718.92, at High Springs, in Alachua County, Fla. (the Line); and (2) FNOR to discontinue service over approximately 9.81 miles of rail line between milepost AR 716.88, at High Springs, and milepost AR 726.69, at Newberry (the FNOR Line). Notice of the exemption was served and published in the Federal Register on December 10, 2013 (78 Fed. Reg. 74,227). The notice of exemption was scheduled to become effective on January 9, 2014, unless it was stayed by the Board or a formal expression of intent to file an offer of financial assistance (OFA) under 49 U.S.C. § 10904 and 49 C.F.R. § 1152.27(c)(2) was filed by December 20, 2013.

On December 20, 2013, Seaside Holdings, Inc. (Seaside), filed a formal notice of intent to file an OFA to purchase the Line from CSXT. After a series of OFA deadline extensions, no OFA was filed, and the OFA process was terminated. By decision served April 17, 2014, the Board determined that the effective date of the exemption would be April 28, 2014, if the OFA process were terminated.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) in this proceeding on December 13, 2013. In the EA, OEA noted that Alachua County recommended that CSXT contact the Alachua County Environmental Protection Department if surface waters, listed species, or other natural features, including wetlands and wetland buffers, would be impacted during salvage operations to determine conformance with Alachua County's land development regulations, and that CSXT prepare a sediment and erosion control plan to minimize impacts during salvage operations. Although CSXT indicated that its

salvage operations would not impact offsite or downstream resources, OEA recommended a condition that would require CSXT to consult with the Alachua County Environmental Protection Department prior to initiating salvage operations to determine what, if any, permits may be required for salvage operations on the rail line.

Additionally, OEA stated that Alachua County commented that there may be active Gopher tortoise burrows located within the right-of-way proposed for abandonment and recommended that CSXT contact the Florida Fish and Wildlife Conservation Commission (FWC) to determine what procedures and permits may be required. Accordingly, OEA recommended a condition that would require CSXT to consult with FWC prior to initiating salvage operations to determine what, if any, special procedures or permits may be needed to protect Gopher tortoise habitat areas within 25 feet of proposed salvage operations.

OEA also stated in the EA that the National Geodetic Survey (NGS) commented that one geodetic survey marker is located inside or near the rail line right-of-way proposed for abandonment. Accordingly, OEA recommended a condition that would require CSXT to notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers within the area of the proposed abandonment.

Lastly, OEA recommended a condition that would require CSXT to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way eligible for listing or listed in the National Register of Historic Places (National Register) until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f.

Comments to the EA were due December 31, 2013. No comments were filed. OEA issued a Final EA on January 3, 2014, recommending that the conditions proposed in the EA be imposed upon any decision granting abandonment authority.

On March 6, 2014, OEA issued a Supplemental Final EA, in which OEA determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. As such, OEA no longer recommends imposing the Section 106 historic preservation condition, but continues to recommend the other conditions proposed in the EA. The conditions recommended in the Supplemental Final EA will be imposed.

Based on OEA's recommendations, the proposed abandonment, if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the notice served and published in the Federal Register on December 10, 2013, exempting the abandonment of the Line is subject to the conditions that CSXT shall: (1) consult with the Alachua County Environmental Protection Department prior to

initiating salvage of the rail line to determine what, if any, permits may be required for salvage operations on the Line; (2) consult with FWC prior to initiating salvage of the Line to determine what, if any, procedures and/or permits may be needed to protect Gopher tortoise habitat areas within 25 feet of the proposed salvage operations; and (3) consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

3. This decision is effective on its date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.